

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 90-203-C - ORDER NO. 90-534 ✓  
MAY 21, 1990

IN RE:	Request of GTE South, Inc. for Approval	)	
	of Tariff Revisions to Establish Uniform	)	ORDER RULING ON
	Rates for the Interconnection of its	)	MOTION TO PRODUCE
	Local Exchange Network and Cellular	)	
	Carrier's Network	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Motion to Produce filed on behalf of MetroMobile CTS, Inc. (MetroMobile) seeking an Order of the Commission requiring GTE South, Inc. (GTES) to produce certain items. The Commission has previously, in Order No. 90-502, ruled on one portion of the Motion to Produce concerning cost data.

Additionally, MetroMobile sought the production of "all documents or writings of any kind or nature whatsoever the Applicant intends to introduce or discuss at any hearing held in this matter, whether under direct examination or cross-examination and provide a copy of same to intervenor". MetroMobile also asks for "all photographs, plats, financial tables, analysis, cost studies or sketches of any kind or nature whatsoever the Applicant


intends to use or introduce at any hearing held in this matter, and provide a copy of same to intervenor. For each item listed in response to this request for production, please provide a brief description of the purpose for which such item will be introduced or discussed." GTES filed a Return to this Motion and objected to the request of MetroMobile.

The Commission does not have a specific rule relating to Motions to Produce. However, the Commission does have Rule R.103-854 of its Rules of Practice and Procedure which allows the Commission to rely on the South Carolina Rules of Civil Procedure and all discovery matters not covered in the Commission's discovery procedures. Rule 34 of the South Carolina Rules of Civil Procedure relates to the production of documents. The Commission finds that under the Rule 34 (b), MetroMobile has not set forth the items it wishes to inspect by listing them by individual item or by category and has failed to describe each item and category with reasonable particularity. Therefore, to the extent that MetroMobile requests information dealing with GTES's cross-examination of witnesses in this proceeding, the Commission finds that the requirement of Rule 34 (b) and the procedures specified therein, has not been met and that portion of the Motion to Produce should be quashed. By the Commission's own Rules and Regulations, GTES should file and

produce the exhibits and documents it will introduce on direct or rebuttal examination.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:

  
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Chairman

ATTEST:

  
\_\_\_\_\_  
Executive Director

(SEAL)